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March 20, 2015

VIA FEDEX

Margaret Herring, Civil Investigator
U.S. Environmental Protection Agency, Region 5
Superfund Division
Enforcement and Compliance Assurance Branch (SE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Response to Request for Information Pursuant to Section 104 of CERCLA for the South Dayton Dump & Landfill Site in Moraine, Ohio

Dear Ms. Herring:

Respondent P-Americas, LLC ("Respondent or P-Americas"), hereby provides its response to the information request issued to it by the United States Environmental Protection Agency ("USEPA") dated January 16, 2015. The information request was issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). Thank you for providing an extension of time to March 20, 2015 to respond to the request.


By email dated February 11, 2015, Thomas Nash of USEPA agreed to limit the scope of the current request to 1941 to 1996 (the "applicable timeframe") and to operations within a fifty (50) mile radius of the Site. Respondent searched its corporate records for responsive information in preparing the attached response and did not locate any information or documents suggesting a connection to the Site during the applicable timeframe. This search has confirmed that there is no basis for contending that P-Americas has any potential liability for the Site under CERCLA.

Respondent provides its responses and objections to the request in Attachment A.

Margaret Herring, Civil Investigator
March 20, 2015
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If you have any questions please do not hesitate to call the undersigned.

Best regards,

A handwritten signature in black ink, appearing to read "W. Brad Nes", with a long horizontal flourish extending to the right.

W. Brad Nes

cc: David H. Patrick, Esq., PepsiCo Americas Beverages
Thomas Nash, Esq., EPA Region 5

Enclosure

ATTACHMENT A
P-America's Response to EPA Request for Information

Privileges

In providing this response to EPA's request, P-Americas ("Respondent") asserts all applicable privileges, including the attorney-client privilege and attorney work-product. Respondent expressly reserves the right to assert at a future date any applicable privileges regarding the material submitted herein. Neither the fact of this response, nor the substance of this response, shall be construed in any way as an admission of any liability or as a waiver of any of Respondent's rights, claims, or defenses.

General Objections

Respondent objects to the United States Environmental Protection Agency's ("EPA") request for information and to each question therein with respect to the South Dayton Dump and Landfill Site ("Site") as follows:

1. Respondent objects to this Request for Information ("Request") in that it includes undefined terms and is overbroad, vague, and ambiguous so as to exceed EPA's statutory authority under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and to contravene Respondent's constitutional rights.
2. Respondent objects to the Request's instructions and questions as overbroad, vague, and ambiguous, unduly burdensome, and not reasonably calculated to lead to the disclosure of information pertinent to a clean-up at the South Dayton Dump and Landfill (SDDL) or the discovery of admissible evidence.
3. Respondent objects to this request in that it calls for Respondent to produce documents and provide information that are already in the possession of EPA and/or already in the public domain, including deposition testimony transcripts from the Hobart litigation styled Hobart Corp., et al. v. The Dayton Power & Light Co., et al., Case No. 3:13-cv-0115, S.D. Ohio.
4. Respondent objects to, and specifically disavows, EPA's attempt to compel supplementation of this response on an ongoing basis. CERCLA authorizes EPA to require submission of information upon reasonable notice. Respondent has supplied all responsive and non-privileged information that was found during a thorough search of available records. If EPA desires more information, Respondent respectfully requests further reasonable notice that such information is desired.
5. Respondent objects to the definition of "person" as overbroad, vague, and ambiguous.
6. Respondent objects to the term "waste" or "wastes" as overbroad, vague, and ambiguous.
7. Respondent objects to the definition of "facility" or "facilities" as overbroad, vague, and ambiguous. For purposes of Respondent's answers, the term "Dayton Facility" refers to the former production facility located at 526 Milburn Ave., Dayton, Ohio 45404. Respondent's answers are limited to information and documents related to the Dayton Facility.

8. Respondent objects to the definition of "pollutant" or "contaminant" to the extent that it is not consistent with the definition that is contained in Section 101 (22) of CERCLA.
9. Respondent objects to the definition of "release" to the extent that it is not consistent with the definition contained in Section 101 (22) of CERCLA.
10. Respondent objects to the definition of "identify" as overbroad, vague, and ambiguous.
11. Respondent objects to the definition of "you" as vague and ambiguous.
12. Respondent hereby incorporates by reference any other objections raised by any potentially responsible party listed on Enclosure 9 to the extent applicable to Respondent.

Notwithstanding the foregoing objections, and without waiver thereof, Respondent responds to the Requests for Information as follows:

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.

RESPONSE: The following persons were consulted in the preparation of the answers to these questions: (1) Tom V. O'Brien, former Plant and Operations Manager, Pepsi Beverages Company – Dayton, Ohio; (2) Alan McGriff, Unit Sales Manager, Pepsi Beverages Company – Dayton, Ohio; and (3) David H. Patrick, Legal Senior Director, Operations, PepsiCo Americas Beverages – Somers, New York. The foregoing individuals, and any other Respondent personnel, should only be contacted through outside counsel for Respondent.

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known address, telephone numbers, and e-mail address.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent identifies the following individuals: Tom V. O'Brien, former Operations Manager, Respondent Beverages Company – Dayton, Ohio; Alan McGriff, Unit Sales Manager, Respondent Beverages Company – Dayton, Ohio. The foregoing individuals, and any other Respondent personnel, should only be contacted through outside counsel for Respondent.

5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL site.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur. If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provided the addresses, telephone numbers, and e-mail addresses of these entities.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

PERMITS/REGISTRATIONS

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and or disposal of materials.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

10. List all federal, state, and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that, upon information and belief, permits have been issued under (1) Resource Conservation and Recovery Act, (2) the hazardous substance laws of the State of Ohio, and (3) an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency, applicable to the Dayton Facility prior to 1996. Respondent, however, has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

RESPONDENT'S DISPOSAL/TREATMENT/STORAGE RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and email address.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that Tom V. O'Brien has had responsibility for environmental matters at the Dayton Facility. Mr. O'Brien has held various positions at the Dayton Facility since the early 1980s, including (1) Quality Lab Tech, (2) Quality Control Manager, (3) Production Manager, (4) Warehouse Manager, (5) Operations Manager, (6) Plant Manager, and (7) Plant Director. Mr. O'Brien is currently employed by Pepsi Beverages Company and should only be contacted through outside counsel for Respondent.

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);
- b. the colors of the containers;
- c. any distinctive stripes or other markings on those containers;
- d. any labels or writing on those containers (including the content of those labels);
- e. whether those containers were new or used; and
- f. if those containers were used, a description of the prior use of the containers.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request. Based on information and belief, Respondent responds as follows: (a) generally, the Dayton Facility used forklift-type dumpsters and 55 gal. drums; (b) generally, the colors of the containers ranged from dirty green to blue and white; (c) generally, there were no distinctive stripes or other markings on those containers, (d) generally, there were no labels or writing on those containers (e) generally, containers were used; and (f) generally, the prior use of the 55 gal. drums was for product concentrate.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- g. State where Respondent sent each type of its waste for disposal, treatment, or recycling.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request. Upon information and belief, Respondent states that Rumpke of Ohio and/or Heritage-Crystal Clean picked up waste from the Dayton Facility prior to 1996.

- i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.

RESPONSE: Respondent incorporates by reference its General Objections. Respondent further incorporates by reference its answer to (h.) above. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- j. For each type of waste specify which Waste Carrier picked it up.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- k. For each type of waste, state how frequently each Waste Carrier picked up such waste.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- n. Provide copies of all documents containing information responsive to the previous seven questions.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
- i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
 - ii. names or markings on the vehicles; and
 - iii. the color of such vehicles.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified

any documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request. Upon information and belief, Respondent states that Rumpke of Ohio used (1) flatbed trucks, (2) with the name "Rumpke" on the vehicle, that were (3) green or brown in color at some periods during the applicable timeframe (1941-1996). Respondent has no information regarding the type, marking, or color of the Heritage-Crystal Clean vehicles.

- j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- m. Describe how Respondent managed pickups of each waste, including but not limited to:
 - i. the method for inventorying each type of waste;
 - ii. the method for requesting each type of waste to be picked up;
 - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
 - iv. the amount paid or the rate paid for the pickup of each type of waste;
 - v. the identity of (see Definitions) Respondent's employee who paid the bills; and
 - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- o. State the basis for and provide any documents supporting the answer to the previous question.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
 - i. the nature and chemical composition of each type of waste;
 - ii. the dates on which those wastes were disposed;
 - iii. the approximate quantity of those wastes disposed by month and year;
 - iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
 - v. whether and what pretreatment was provided.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request. Upon information and belief, the nature of the waste disposed of at the Dayton Facility prior to 1996 into the drains would have been soda and process-related waste.

- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified

any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

- r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

RESPONDENT'S ENVIRONMENTAL REPORTING:

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

19. State the years during which such information was sent/filed.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

21. State the years during which such information was sent/filed.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

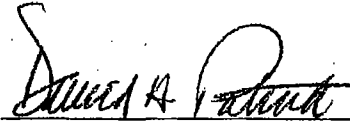
23. Identify the federal and state offices to which such information was sent.

RESPONSE: Respondent incorporates by reference its General Objections. Subject to, and without waiving its General Objections, Respondent states that it has not identified any information or documents related to the Dayton Facility during the applicable timeframe (1941-1996) responsive to this request.

CERTIFICATION

I, David H. Patrick, state under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Dated this 18th day of March, 2015.

A handwritten signature in black ink, appearing to read "David H. Patrick", written over a horizontal line.

David H. Patrick
Legal Senior Director, Operations
PepsiCo Americas Beverages



Extremely Urgent

Page 1 of 1

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Washington, DC 20004

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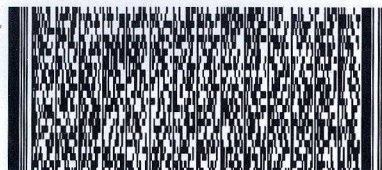
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U.S. Environmental Protection Agency
Region 5 Superfund Division
77 West Jackson Boulevard (SE-5J)
CHICAGO, IL 60604

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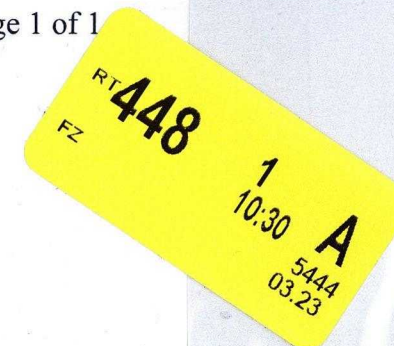
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